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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,036	06/07/2006	Harald Burkart	PD030125	1673
24498	7590	06/11/2007		
JOSEPH J. LAKS, VICE PRESIDENT THOMSON LICENSING LLC PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			EXAMINER	CHEN, TIANJIE
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/582,036	BURKART ET AL.
Examiner	Art Unit	
Tianjie Chen	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5 and 7 is/are rejected.
- 7) Claim(s) 4,6,8-10 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_.

***Non-Final Rejection***

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 3, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Omori (US 2003/0081534).

Claim 1, Omori shows in Figs. 3 and 11 a recording or reproduction apparatus for optical recording media with means for parallel orientation of the scanning device with respect to the surface of the recording medium, wherein a tensioning element 184 (Fig. 11) is provided, by means of which a guide rod 139 of the scanning device in an adjustable manner in a plane corresponding to the cross section of the guide rod is fixed on a base plate in order to avoid a force transmission leading to bending the guide rod.

Claim 2, Omori shows that an adjusting screw 182 is provided for adjusting the guide rod, which the screw is arranged in a shaped portion around screw of the baseplate 132 and on the end face of which screw is fixed the guide rod, for parallel

orientation of the scanning device with respect to the surface of the recording medium or with respect to the surface of a disc turntable that receives the recording medium by means of the tensioning element 184.

Claim 3, Omori shows that the tensioning element 184 is a spring element, which is shaped in desk-like fashion and whose chamfer fixes the guide rod on the end face of the adjusting screw in an adjustable manner.

Claim 5, Omori shows in Fig. 11 that the fixing of the guide rod 139 by means of the tensioning element 184 in a plane corresponding to the cross section of the guide rod is provided as a three-point fixing at the periphery of the guide rod.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Fujibayashi et al (US 2004/0008609).

Claim 1, Fujibayashi et al shows in Figs. 1 and 15A-C a recording or reproduction apparatus for optical recording media with means for parallel orientation of the scanning device with respect to the surface of the recording medium, wherein a tensioning element 41 (Figs. 1 and 15A-C; [0048], line 5) is provided, by means of which a guide rod 32a of the scanning device in an adjustable manner in a plane corresponding to the cross section of the guide rod is fixed on a base plate in order to avoid a force transmission leading to bending the guide rod.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

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whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujibayashi et al (US 2004/0008609) in view of Omori.

Claim 2, Fujibayashi shows a shaft 48 in Figs 15A-C, which is used to change the height of the rod 32a ([0079], lines 8-11); but fails to show the way of adjusting the shaft for changing the height of the rod; an adjusting shaft 48 is provided for adjusting the guide rod, which shaft is arranged in a shaped portion 40 of the baseplate and on the end face of which shaft is fixed the guide rod, for parallel orientation of the scanning device with respect to the surface of the recording medium or with respect to the surface of a disc turntable that receives the recording medium by means of the tensioning element 41.

Omori discloses an adjusting mechanism, wherein the shaft 182 for adjusting the height of the rod 139 is a screw. It is also well known in the art that a screw is the most commonly used and notorious mechanism for adjusting the height of an object. One of ordinary skill in the art would have been motivated to replace the shaft 48 in Fujibayashi et al's device by the screw taught by Omori for being able to adjust the height of the rod.

Claim 3, in above constructed Fujibayashi et al and Omori's device, the tensioning element 41 is a spring element ([0048], last 2 lines), which is shaped in desk-like fashion and whose chamfer fixes the guide rod (Fig. 15A) on the end face of the adjusting screw 48 in an adjustable manner.

Claim 5, Fujibayashi et al shows in Figs. 15A-C that the fixing of the guide rod 32a by means of the tensioning element 41 in a plane corresponding to the cross

section of the guide rod is provided as a three-point fixing at the periphery of the guide rod.

Claim 7, Fujibayashi et al shows in Figs. 15A-15C that a shaped portion 40 having two limbs arranged at an angle to one another is provided on the baseplate on which limbs the guide rod is fixed in an adjustable manner by means of the tensioning element.

#### ***Allowable Subject Matter***

5. Claims 4, 6, and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claim 4, as the closest reference of record, Fujibayashi et al (US 2004/0008609) or Omori (US 2003/0081534) shows a recording or reproduction apparatus for optical recording media with means for parallel orientation of the scanning device with respect to the surface of the recording medium, wherein a tensioning element is provided, by means of which a guide rod of the scanning device in an adjustable manner in a plane corresponding to the cross section of the guide rod is fixed on a base plate in order to avoid a force transmission leading to bending the guide rod; the tensioning element is embodied with a lug engaging into a cutout of a shaped portion of the baseplate and as a spring element enclosing the shaped portion; **but fails to show** the spring element being self-retaining.

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- With regard to claim 6, as the closest reference of record, Fujibayashi et al (US 2004/0008609)/or Omori (US 2003/0081534) shows a recording or reproduction apparatus for optical recording media with means for parallel orientation of the scanning device with respect to the surface of the recording medium, wherein a tensioning element is provided, by means of which a guide rod of the scanning device in an adjustable manner in a plane corresponding to the cross section of the guide rod is fixed on a base plate in order to avoid a force transmission leading to bending the guide rod; **but fails to show** that the tensioning element has a bead provided for a linear fixing of the guide rod on a shaped portion.
- With regard to claims 8 and 9, as the closest reference of record, Fujibayashi et al (US 2004/0008609)/or Omori (US 2003/0081534) shows a recording or reproduction apparatus for optical recording media with means for parallel orientation of the scanning device with respect to the surface of the recording medium, wherein a tensioning element is provided, by means of which a guide rod of the scanning device in an adjustable manner in a plane corresponding to the cross section of the guide rod is fixed on a base plate in order to avoid a force transmission leading to bending the guide rod; a shaped portion having two limbs arranged at an angle to one another is provided on the baseplate; **but fails to show** that of which limbs one limb receives, in a threaded hole, an adjusting screw for parallel orientation of the guide rod with respect to a surface of the recording medium, and the other limb has a rib and the tensioning element fixes the guide rod in an adjustable manner with the end

face of the adjusting screw and in a manner bearing on the rib of the limb of the shaped portion of the baseplate.

- With regard to claim 10, as the closest reference of record, Fujibayashi et al (US 2004/0008609)/or Omori (US 2003/0081534) shows a recording or reproduction apparatus for optical recording media with means for parallel orientation of the scanning device with respect to the surface of the recording medium, wherein a tensioning element is provided, by means of which a guide rod of the scanning device in an adjustable manner in a plane corresponding to the cross section of the guide rod is fixed on a base plate in order to avoid a force transmission leading to bending the guide rod; wherein the tensioning element is a desk-like spring element whose chamfer arranges the guide rod on a shaped portion of the baseplate, in which an adjusting screw is arranged, in an adjustable manner **but fails to show** that the tension element is wrapping around the shaped portion.
- Applicant assert; in this invention a “adjusting arrangement is provided which avoids to the greatest possible extent a force transmission to the guide rod that disadvantageously issues from the fixing or adjusting means” (Specification, p. 1).

### **Conclusion**

6. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
TIANJIE CHEN  
PRIMARY EXAMINER